REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1.   Amendments to Claims

Claim 1 has been amended to more positively recite that the method of the invention identifies segments of media signals *"representing source material whose start and end are not known."* This language is supported, for example, by lines 3-4 on page 11 of the original specification.

2.   Interview

The Examiner is thanked for the courtesy extended during a telephone interview on November 9, 2005, summarized in an Interview Summary (Form PTOL-413) mailed to the Applicant on November 16, 2005.

During the interview, the undersigned pointed out that the Logan patent (US 6,088,455) teaches:

- comparison of broadcast signals with *pre-stored* signals for the purpose of noise or talk-over cancellation (col. 9, lines 27-46);
- identification of songs based on pre-stored "attributes" (col. 10, lines 10-20); and
- combining multiple recordings to improve SNR (col. 12, line 66 to col. 13, line 15),

but not:

- the presently claimed identification of common segments representing source material whose start and end is initially not known, as discussed below.

It is noted that the Interview Summary was sent directly to the Applicant, despite submission of a Power of Attorney and Change of Correspondence Address on March 21, 2005. The Power of Attorney and Change of Correspondence Address (included on the Power of Attorney) are accordingly re-submitted herewith.

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3.   Rejection of Claims 1-15, 18, 20, 21, and 27 Under 35 USC §102(b) in view of U.S. Patent No. 6,088,455 (Logan)

This rejection is respectfully traversed on the grounds that the Logan patent fails to disclose or suggest, whether considered individually or in combination with any of the other references of record, a method of identifying segments of media signals *representing source material whose start and end are not known*, as is now claimed, by:

- initially storing a first media signal that contains both undesirable signal components *and* the segments of *said* media signals representing source material whose start and end are not known;

- selecting at least a first search key in the first media signal;

- searching for a second search key in a second media signal that is substantially identical to the first key in the first media signal; *and*

- comparing segments of the first and second media signals to identify segments of the media signals representing the source material by identifying common segments.

The claimed method seeks to extract desired source material by identifying common segments between multiple broadcasts, even though each of the multiple broadcasts contains voice-overs and other undesired components that make it impossible to initially determine the start and end of the source material. The segments to be compared are associated with search "keys," so that each successive comparison results in identification of different common segments corresponding to different portions of the source material whose start and end are not known. As a result, the claimed invention makes it possible to "capture" a song (or other source material) off of the radio (or other broadcast medium) without any prior knowledge of song attributes by combining different common segments containing different portions of the song, simply by pressing a button to initiate the method and capture a "key."

In contrast, the Logan method compares a broadcast signal with a pre-stored template representing source material whose start and end is known. Logan is not concerned with capturing songs off the radio or other broadcast media, but rather with recording portions of a

broadcast based on attributes that have been previously obtained, for example, by download from the web. The Examiner will note that the template or "identification" signals of Logan, which are compared with the broadcast signal, are <u>not</u> broadcast signals whose start and end are unknown, but rather pre-identified signals downloaded from a website, sent by mail on a CD-ROM, or the like (col. 7, lines 35-40). Logan does not compare first and second broadcast signals in the manner claimed, and is not concerned with source material whose start and end is unknown.

It is noted that, in addition to the steps positively recited in claim 1, further distinguishing features of the method may be found in the dependent claims, including (by way of example and not limitation):

- use of a third key, as recited in claim 2;
- combining common segments as recited in claim 3 (while it might be possible to capture a song using a single common segment, the more common segments identified, the better chance of capturing a whole song–since Logan uses known "attributes," there is <u>no need</u> to combine common segments in the manner recited in claim 3);
- manual activation of a device to select the first key as recited in claim 4 (when the user hears a song, he or she simply presses a button, which determines the key used as the basis for identifying segments in later broadcasts, that can be used to capture the entire song);
- use of first and second keys, as recited in claim 6; selecting longest segments, as recited in claim 10 (there is clearly not need to select *longest* segments in Logan's method);
- counting number of times a common segment or key is received or producing a list of common segments, as recited in claims 12-14 (there is clearly no need in Logan to identify longest segments, listing common segments, *etc.*, since Logan uses a clean template or known attributes as the starting point of its comparison);
- and so forth.

Because the Logan patent does not disclose or suggest the method steps positively recited in amended claim 1, much less the steps positively recited in the dependent claims, it is respectfully submitted that the Logan patent does not anticipate any of the claims listed above, and withdrawal of the rejection of claim 1 under 35 USC §102(b) is accordingly requested.

4. <u>Rejection of Claim 28 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,088,455 (Logan) and 4,520,499 (Montlick)</u>

This rejection is again respectfully traversed on the grounds that the Montlick patent, like the Logan patent, fails to disclose or suggest the method recited in claim 1, from which claim 28 depends. Instead, the Montlick patent is directed to a reconfigurable lattice filter employed to permit the same circuit to function as a speech synthesizer and as a speech analyzer or recognizer, and therefore the Montlick patent could not have suggested modification of the method of Logan to identify common segments of source material whose start and end is unknown, as claimed. Withdrawal of the rejection of claim 28 under 35 USC §103 is accordingly requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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